

§ 600.730

| Fishery   | Allowable gear types  |
|---|---|
| Western Pacific Precious Corals (Non-FMP).                | Hand harvest, submersible, tangle net dredge  |
| Western Pacific Bottomfish/Seamount Groundfish FMP:       |   |
| A. Bottomfish hook and line fishery                       | A. Bandit gear, buoy gear, handline, hook and line, rod and reel                                      |
| B. Seamount groundfish fishery .....                      | B. Longline, trawl  |
| C. Bottom longline fishery .....                          | C. Longline   |
| D. Trap fishery .....                                     | D. Trap   |
| E. Spear fishery .....                                    | E. Spear, powerhead   |
| Western Pacific Bottomfish/Seamount Groundfish (Non-FMP): |   |
| A. Commercial fishery .....                               | A. Bandit gear, buoy gear, gillnet, handline, hook-and-line, longline, rod and reel, spear, trap      |
| B. Recreational fishery .....                             | B. Bandit gear, buoy gear, Gillnet, handline, hook-and-line, longline, rod and reel, spear, trap      |
| C. Charter fishery .....                                  | C. Bandit gear, buoy gear, handline, hook-and-line, rod and reel, spear                               |
| Western Pacific Pelagics FMP:                             |   |
| A. Longline fishery .....                                 | A. Longline   |
| B. Hook and line fishery .....                            | B. Bandit gear, buoy gear, handline, hook and line, rod and reel                                      |
| C. Purse seine fishery .....                              | C. Lampara, purse seine   |
| D. Spear fishery .....                                    | D. Spear, powerhead   |
| Western Pacific Pelagics (Non-FMP):                       |   |
| A. Recreational fishery .....                             | A. Bandit gear, buoy gear, dip net, handline, hook and line, powerhead, rod and reel, spear           |
| B. Commercial fishery .....                               | B. Bandit gear, buoy gear, dip net, handline, hook and line, hoop net, powerhead, rod and reel, spear |
| C. Charter fishery .....                                  | C. Bandit gear, buoy gear, dip net, handline, hook and line, hoop net, powerhead, rod and reel, spear |

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| Fishery                                     | Allowable gear types  |
|---|---|
| Western Pacific Coastal Pelagics (Non-FMP). | Bandit gear, buoy gear, dip, net, gillnet, handline, hook and line, hoop net, lampara net, purse seine, rod and reel, spear |
| Western Pacific Squid/Octopus (Non-FMP).    | Bandit gear, hand harvest, hook and line, rod and reel, spear, trap   |
| Western Pacific Shallow Reef (Non-FMP).     | Allowable chemical, barrier net, dip net, gillnet, hand harvest, seine, slurp gun, trap                                     |
| <b>Secretary of Commerce</b>                |   |
| Atlantic Tunas, Swordfish and Sharks FMP:   |   |
| A. Swordfish handgear fishery .....         | A. Rod and reel, harpoon, handline, bandit gear.  |
| B. Pelagic longline fishery .....           | B. Longline.  |
| C. Shark drift gillnet fishery .....        | C. Gillnet.   |
| D. Shark bottom longline fishery ....       | D. Longline.  |
| E. Shark handgear fishery .....             | E. Rod and reel, handline, bandit gear.   |
| F. Tuna purse seine fishery .....           | F. Purse seine.   |
| G. Tuna recreational fishery .....          | G. Rod and reel, handline.  |
| H. Tuna handgear fishery .....              | H. Rod and reel, harpoon, handline, bandit gear.  |
| I. Tuna harpoon fishery .....               | I. Harpoon.   |
| Atlantic Billfish FMP:                      |   |
| Recreational fishery .....                  | Rod and reel.   |

[61 FR 32540, June 24, 1996, as amended at 63 FR 7075, Feb. 12, 1998; 63 FR 27217; May 18, 1998; 64 FR 4037, Jan. 27, 1999; 64 FR 29134, May 28, 1999]

EFFECTIVE DATE NOTE: At 64 FR 4037, Jan. 27, 1999, §600.725 was amended by adding paragraph (v), and at 64 FR 29134, May 28, 1999, paragraph (v) was amended, both effective July 26, 1999. At 64 FR 40781, July 28, 1999, the effective date was delayed until Dec. 1, 1999.

**§ 600.730 Facilitation of enforcement.**

(a) *General.* The operator of, or any other person aboard, any fishing vessel subject to parts 622 through 699 of this chapter must immediately comply with instructions and signals issued by an authorized officer to stop the vessel and with instructions to facilitate safe boarding and inspection of the vessel, its gear, equipment, fishing record

(where applicable), and catch for purposes of enforcing the Magnuson-Stevens Act or any other statute administered by NOAA and this chapter.

(b) *Communications.* (1) Upon being approached by a USCG vessel or aircraft, or other vessel or aircraft with an authorized officer aboard, the operator of a fishing vessel must be alert for communications conveying enforcement instructions.

(2) VHF-FM radiotelephone is the preferred method for communicating between vessels. If the size of the vessel and the wind, sea, and visibility conditions allow, a loudhailer may be used instead of the radio. Hand signals, placards, high frequency radiotelephone, or voice may be employed by an authorized officer, and message blocks may be dropped from an aircraft.

(3) If other communications are not practicable, visual signals may be transmitted by flashing light directed at the vessel signaled. USCG units will normally use the flashing light signal "L" as the signal to stop. In the International Code of Signals, "L" (.-.) means "you should stop your vessel instantly." (Period (.) means a short flash of light; dash (-) means a long flash of light.)

(4) Failure of a vessel's operator promptly to stop the vessel when directed to do so by an authorized officer using loudhailer, radiotelephone, flashing light signal, or other means constitutes prima facie evidence of the offense of refusal to permit an authorized officer to board.

(5) The operator of a vessel who does not understand a signal from an enforcement unit and who is unable to obtain clarification by loudhailer or radiotelephone must consider the signal to be a command to stop the vessel instantly.

(c) *Boarding.* The operator of a vessel directed to stop must:

(1) Guard Channel 16, VHF-FM, if so equipped.

(2) Stop immediately and lay to or maneuver in such a way as to allow the authorized officer and his/her party to come aboard.

(3) Except for those vessels with a freeboard of 4 ft (1.2 m) or less, provide a safe ladder, if needed, for the author-

ized officer and his/her party to come aboard.

(4) When necessary to facilitate the boarding or when requested by an authorized officer or observer, provide a manrope or safety line, and illumination for the ladder.

(5) Take such other actions as necessary to facilitate boarding and to ensure the safety of the authorized officer and the boarding party.

(d) *Signals.* The following signals, extracted from the International Code of Signals, may be sent by flashing light by an enforcement unit when conditions do not allow communications by loudhailer or radiotelephone. Knowledge of these signals by vessel operators is not required. However, knowledge of these signals and appropriate action by a vessel operator may preclude the necessity of sending the signal "L" and the necessity for the vessel to stop instantly. (Period (.) means a short flash of light; dash (-) means a long flash of light.)

(1) "AA" repeated (.-.) is the call to an unknown station. The operator of the signaled vessel should respond by identifying the vessel by radiotelephone or by illuminating the vessel's identification.

(2) "RY-CY" (.-. -.- -.-) means "you should proceed at slow speed, a boat is coming to you." This signal is normally employed when conditions allow an enforcement boarding without the necessity of the vessel being boarded coming to a complete stop, or, in some cases, without retrieval of fishing gear which may be in the water.

(3) "SQ3" (... —.- ...—) means "you should stop or heave to; I am going to board you."

[61 FR 32540, June 24, 1996, as amended at 61 FR 37225, July 17, 1996; 63 FR 7075, Feb. 12, 1998]

#### § 600.735 Penalties.

Any person committing, or fishing vessel used in the commission of a violation of the Magnuson-Stevens Act or any other statute administered by NOAA and/or any regulation issued under the Magnuson-Stevens Act, is subject to the civil and criminal penalty provisions and civil forfeiture provisions of the Magnuson-Stevens Act, to this section, to 15 CFR part 904